

ESTTA Tracking number: **ESTTA138611**

Filing date: **05/02/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	HOP, LLC
Granted to Date of previous extension	05/02/2007
Address	1001 Fleet Street Baltimore, MD 21202 UNITED STATES
Attorney information	Ronald E. Shapiro Miles & Stockbridge P.C. 1751 Pinnacle Drive, Suite 500 McLean, VA 22102-3833 UNITED STATES ipdocketing@milesstockbridge.com,rshapiro@milesstockbridge.com

Applicant Information

Application No	78898909	Publication date	01/02/2007
Opposition Filing Date	05/02/2007	Opposition Period Ends	05/02/2007
Applicant	House-Autry Mills, Inc. 7000 U.S. Highway 301 South Four Oaks, NC 27524 UNITED STATES		

Goods/Services Affected by Opposition

Class 030. All goods and services in the class are opposed, namely: Cornmeal, flour, and meal and flour-based mixes for baking, frying and breading
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1872425	Application Date	04/10/1992
Registration Date	01/10/1995	Foreign Priority Date	NONE
Word Mark	HOOKED ON MATH		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 016. First use: First Use: 1989/10/00 First Use In Commerce: 1989/10/00 instruction materials in the field of mathematics, comprising books, learning cards and audio cassettes sold as a unit

U.S. Registration No.	1876555	Application Date	03/26/1992
Registration Date	01/31/1995	Foreign Priority Date	NONE
Word Mark	HOOKED ON PHONICS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1987/02/00 First Use In Commerce: 1987/02/00 reading instruction materials comprising pamphlets, learning cards and audio cassettes sold as a unit for home instructional use		

U.S. Registration No.	2355758	Application Date	10/29/1997
Registration Date	06/06/2000	Foreign Priority Date	NONE
Word Mark	HOOKED ON PHONICS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1998/02/00 First Use In Commerce: 1998/02/00 EDUCATIONAL INSTRUCTIONAL MATERIALS COMPRISING BOOKS, TAPES AND LEARNING CARDS SOLD AS A UNIT IN THE FIELD OF READING INSTRUCTION		

U.S. Registration No.	2419481	Application Date	10/29/1997
Registration Date	01/09/2001	Foreign Priority Date	NONE
Word Mark	HOP BOOKS HOOKED ON PHONICS LIBRARY COLLECTION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1998/02/00 First Use In Commerce: 1998/02/00 EDUCATIONAL INSTRUCTIONAL MATERIALS COMPRISING BOOKS, CASSETTE TAPES AND LEARNING CARDS IN THE FIELD OF READING, SOLD AS A UNIT		

U.S. Registration No.	2591385	Application Date	08/10/2001
Registration Date	07/09/2002	Foreign Priority Date	NONE
Word Mark	HOOKED ON PHONICS		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 016. First use: First Use: 2001/07/27 First Use In Commerce: 2001/07/27 EDUCATIONAL INSTRUCTIONAL MATERIALS, NAMELY, BOOKS IN THE FIELD OF READING OR MATH, PRE-RECORDED TAPES, CD ROMS OR DISCS IN THE FIELD OF READING OR MATH AND PRINTED LEARNING CARDS SOLD AS A UNIT

U.S. Registration No.	2620893	Application Date	08/10/2001
Registration Date	09/17/2002	Foreign Priority Date	NONE
Word Mark	HOP HOOKED ON PHONICS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use: First Use: 2001/07/25 First Use In Commerce: 2001/07/25 EDUCATIONAL INSTRUCTIONAL MATERIALS, NAMELY, BOOKS IN THE FIELD OF READING OR MATH, PRINTED LEARNING CARDS, AND PRE-RECORDED TAPES, CD ROMS OR DISCS IN THE FIELD OF READING OR MATH SOLD AS A UNIT</p> <p>Class 042. First use: First Use: 2001/07/25 First Use In Commerce: 2001/07/25 ON LINE SERVICES, NAMELY, PROVIDING INFORMATION, ARTICLES AND STORIES, OVER A GLOBAL COMPUTER NETWORK, ALL IN THE FIELD OF EDUCATION, TEACHING LEARNING SKILLS AND CURRENT EVENTS; PROMOTING PUBLIC AWARENESS OF EDUCATION THROUGH THE DISSEMINATION OF INFORMATION REGARDING SAME OVER A GLOBAL COMPUTER NETWORK</p>		

U.S. Registration No.	2629995	Application Date	06/16/2000
Registration Date	10/08/2002	Foreign Priority Date	NONE
Word Mark	HOOKED ON SCHOOL SUCCESS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2001/07/25 First Use In Commerce: 2001/07/25 Pre-recorded audio tapes and CD-ROMS/discs, and accompanying manuals containing children's stories and learning tips, planning guides, and instruction manuals, sold as a unit, in the field of education and teaching learning skills		

U.S. Registration No.	2674241	Application Date	08/10/2001
Registration Date	01/14/2003	Foreign Priority Date	NONE
Word Mark	HOOKED ON SCHOOL SUCCESS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2001/07/25 First Use In Commerce: 2001/07/25 EDUCATIONAL INSTRUCTIONAL MATERIALS, NAMELY, PRE-RECORDED		

	TAPES, DISCS AND/OR CD ROMS AND BOOKS, ALL SOLD AS A UNIT AND IN THE FIELD OF EDUCATION AND TEACHING LEARNING SKILLS
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Attachments	75381225#TMSN.gif (1 page)(bytes) 75381227#TMSN.gif (1 page)(bytes) 76298392#TMSN.gif (1 page)(bytes) 76298394#TMSN.gif (1 page)(bytes) 76071959#TMSN.gif (1 page)(bytes) 76298393#TMSN.gif (1 page)(bytes) 10219-OPP Binder1.pdf (15 pages)(200590 bytes)
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Signature	/Ronald E. Shapiro/
Name	Ronald E. Shapiro
Date	05/02/2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

HOP, LLC

Opposer,

v.

HOUSE-AUTRY MILLS, INC.,

Applicant.

Opposition No. _____

Serial No. 78/898,909

NOTICE OF OPPOSITION

In the matter of Application Serial No. 78/898,909, filed by House-Autry Mills, Inc. (“Applicant”) on June 2, 2006, and published in the Official Gazette on January 2, 2007, HOP, LLC (“Opposer”), a limited liability company organized under the laws of the State of Delaware and having its principal place of business at 1001 Fleet Street, Baltimore, Maryland 21202, believes that it will be damaged by registration of the mark shown in that application and therefore opposes it. The time to file a Notice of Opposition has been extended to May 2, 2007.

The grounds for this opposition are:

1. Opposer owns a family of marks distinguished by the words “HOOKED ON” (“Opposer’s HOOKED ON Family of Marks”), which Opposer uses in commerce to

identify a wide range of goods and services (“Opposer’s Goods and Services”), including but not limited to, the goods and services listed in the following registrations, which are owned by Opposer:

<u>Mark</u>	<u>Registration No.</u>	<u>Registration Date</u>
HOOKED ON MATH	1,872,425	January 10, 1995
HOOKED ON PHONICS	1,876,555	January 31, 1995
HOOKED ON PHONICS	2,050,379	April 8, 1997
HOOKED ON PHONICS & Design	2,355,758	June 6, 2000
HOP BOOKS HOOKED ON PHONICS LIBRARY COLLECTION & Design	2,419,481	January 9, 2001
HOOKED ON PHONICS & Design	2,591,385	July 9, 2002
HOP HOOKED ON PHONICS & Design	2,620,893	September 17, 2002
HOOKED ON SCHOOL SUCCESS	2,629,995	October 8, 2002
HOOKED ON SCHOOL SUCCESS & Design	2,674,241	January 14, 2003

Copies of these registrations are attached to this Notice of Opposition as Exhibit A, and certified copies showing status and title will be filed in due course.

2. Opposer also owns the following applications for marks that include or consist of the words “HOOKED ON,” all of which were filed prior to Application Serial No. 78/898,909 (“Applicant’s Application”):

<u>Mark</u>	<u>Serial No.</u>	<u>Filing Date</u>
HOOKED ON READING	78/401,658	April 14, 2004
HOOKED ON BOOKS	78/477,352	September 1, 2004
HOOKED ON LEARNING	78/682,062	July 30, 2005
HOOKED ON HOMEWORK	78/711,190	September 12, 2005
HOOKED ON HOMEWORK HELP	78/711,194	September 12, 2005
HOOKED ON	78/711,289	September 12, 2005
HOOKED ON	78/977,615	September 12, 2005
HOOKED ON HANDWRITING	78/771,007	December 12, 2005
HOOKED ON WRITING	78/771,009	December 12, 2005
HOOKED ON ENGLISH	78/771,014	December 12, 2005
HOOKED ON SPANISH	78/771,017	December 12, 2005
HOOKED ON SCIENCE	78/771,018	December 12, 2005
HOOKED ON SHAPES	78/812,849	February 11, 2006
HOOKED ON COLORS	78/812,851	February 11, 2006
HOOKED ON NUMBERS	78/812,856	February 11, 2006

3. Opposer and its predecessors have invested millions of dollars to advertise and promote Opposer's HOOKED ON Family of Marks.

4. As a result of the superior quality of Opposer's Goods and Services and the substantial investment in advertising and promotion by Opposer and its predecessors,

Opposer's HOOKED ON Family of Marks has become famous and has achieved a widespread reputation for excellence, which is synonymous with Opposer in the minds of consumers.

5. Applicant is seeking to register the mark GET HOOKED ON GREAT TASTE ("Applicant's Mark") for cornmeal, flour, and meal and flour-based mixes for baking, frying and breading ("Applicant's Goods").

6. Long prior to the filing date of Applicant's Application and, on information and belief, long prior to any use of Applicant's Mark, Opposer's predecessors began to use, and Opposer has continued to use, Opposer's HOOKED ON Family of Marks in commerce in connection with Opposer's Goods and Services.

7. On information and belief, Applicant's Goods and Opposer's Goods and Services are likely to be marketed to and purchased by the same consumers in the same or similar channels of trade.

8. On information and belief, consumers are likely to believe that Applicant's Goods originate from or are sponsored by, endorsed by, or connected with Opposer.

9. In view of the widespread consumer recognition of Opposer and Opposer's HOOKED ON Family of Marks, the similarity between Applicant's Mark and Opposer's HOOKED ON Family of Marks, and the similarity between the relevant consumers and channels of trade, Applicant's use and registration of Applicant's Mark are likely to cause confusion, mistake, and deception, and are thereby likely to damage Opposer.

Applicant's use and registration of Applicant's Mark are also likely to dilute the

distinctiveness of Opposer's HOOKED ON Family of Marks, and are thereby likely to damage Opposer.

WHEREFORE, Opposer prays that this opposition be sustained.

Respectfully submitted,

Date: May 2, 2007

/Ronald E. Shapiro/
Ronald E. Shapiro
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McLean, Virginia 22102-3833
Tel: 703.610.8694
Attorneys for Opposer

EXHIBIT A

Int. Cl.: 16

Prior U.S. Cls.: 36 and 38

United States Patent and Trademark Office

Reg. No. 1,872,425

Registered Jan. 10, 1995

**TRADEMARK
PRINCIPAL REGISTER**

HOOKED ON MATH

GATEWAY EDUCATIONAL PRODUCTS, LTD.
(DELAWARE CORPORATION)
1045 W. KATELLA, SUITE 200
ORANGE, CA 92667, BY MERGER WITH
GATEWAY EDUCATIONAL PRODUCTS,
LTD. (CALIFORNIA CORPORATION)
ORANGE, CA 92667

FOR: INSTRUCTION MATERIALS IN THE
FIELD OF MATHEMATICS, COMPRISING
BOOKS, LEARNING CARDS AND AUDIO CAS-

SETTES SOLD AS A UNIT, IN CLASS 16 (U.S.
CLS. 36 AND 38).

FIRST USE 10-0-1989; IN COMMERCE
10-0-1989.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "MATH", APART FROM THE
MARK AS SHOWN.

SER. NO. 74-264,630, FILED 4-10-1992.

G. MAYERSCHOFF, EXAMINING ATTORNEY

Int. Cl.: 16

Prior U.S. Cls.: 36 and 38

United States Patent and Trademark Office

Reg. No. 1,876,555

Registered Jan. 31, 1995

**TRADEMARK
PRINCIPAL REGISTER**

HOOKED ON PHONICS

GATEWAY EDUCATIONAL PRODUCTS, LTD.
(DELAWARE CORPORATION)
1045 W. KATELLA, SUITE 200
ORANGE, CA 92667, BY MERGER WITH
GATEWAY EDUCATIONAL PRODUCTS,
LTD. (CALIFORNIA CORPORATION)
ORANGE, CA 92667

FOR: READING INSTRUCTION MATERIALS
COMPRISING PAMPHLETS, LEARNING
CARDS AND AUDIO CASSETTES SOLD AS A

UNIT FOR HOME INSTRUCTIONAL USE, IN
CLASS 16 (U.S. CLS. 36 AND 38).

FIRST USE 2-0-1987; IN COMMERCE
2-0-1987.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "PHONICS", APART FROM
THE MARK AS SHOWN.

SER. NO. 74-259,513, FILED 3-26-1992.

G. MAYERSCHOFF, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 2,050,379

United States Patent and Trademark Office

Registered Apr. 8, 1997

**TRADEMARK
PRINCIPAL REGISTER**

HOOKED ON PHONICS

**GATEWAY EDUCATIONAL PRODUCTS, LTD.
(DELAWARE CORPORATION)
1050 W. KATELLA AVENUE, SUITE 200
ORANGE, CA 92667**

**FIRST USE 0-0-1991; IN COMMERCE
0-0-1991.**

OWNER OF U.S. REG. NO. 1,876,555.

**FOR: CLOTHING, NAMELY, T-SHIRTS,
POLO SHIRTS, BASEBALL SHIRTS, SWEAT-
SHIRTS, SHORTS, SWEAT PANTS, WIND-RE-
SISTANT JACKETS AND JACKETS, IN CLASS
25 (U.S. CLS. 22 AND 39).**

SER. NO. 74-734,650, FILED 9-26-1995.

**ANNE L. CORNELIUS, EXAMINING ATTOR-
NEY**

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, and 50

Reg. No. 2,355,758

United States Patent and Trademark Office

Registered June 6, 2000

**TRADEMARK
PRINCIPAL REGISTER**



Hooked On Phonics

GATEWAY LEARNING CORPORATION (DELA-
WARE CORPORATION)
2900 SOUTH HARBOR BOULEVARD, SUITE 202
SANTA ANA, CA 92704

FOR: EDUCATIONAL INSTRUCTIONAL MATE-
RIALS COMPRISING BOOKS, TAPES AND LEARN-
ING CARDS SOLD AS A UNIT IN THE FIELD OF
READING INSTRUCTION, IN CLASS 16 (U.S. CLS.
2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 2-0-1998; IN COMMERCE 2-0-1998.
OWNER OF U.S. REG. NO. 2,052,082.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT
TO USE "PHONICS", APART FROM THE MARK
AS SHOWN.

SN 75-381,225, FILED 10-29-1997.

SALLY SHIN, EXAMINING ATTORNEY

Int. Cl.: 16

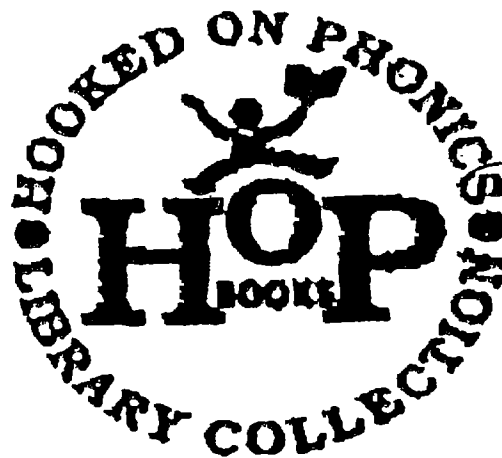
Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, and 50

Reg. No. 2,419,481

United States Patent and Trademark Office

Registered Jan. 9, 2001

**TRADEMARK
PRINCIPAL REGISTER**



GATEWAY LEARNING CORPORATION (DELA-
WARE CORPORATION)
2900 SOUTH HARBOR BOULEVARD, SUITE 202
SANTA ANA, CA 92704

FOR: EDUCATIONAL INSTRUCTIONAL MATE-
RIALS COMPRISING BOOKS, CASSETTE TAPES
AND LEARNING CARDS IN THE FIELD OF READ-
ING, SOLD AS A UNIT, IN CLASS 16 (U.S. CLS.
2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 2-0-1998; IN COMMERCE 2-0-1998.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT
TO USE "PHONICS", "BOOKS" AND "LIBRARY
COLLECTION", APART FROM THE MARK AS
SHOWN.

SN 75-381,227, FILED 10-29-1997.

SALLY SHIN, EXAMINING ATTORNEY

Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38 and 50

United States Patent and Trademark Office

Reg. No. 2,591,385

Registered July 9, 2002

**TRADEMARK
PRINCIPAL REGISTER**



GATEWAY LEARNING CORPORATION (DELA-
WARE CORPORATION)
665 THIRD STREET, SUITE 225
SAN FRANCISCO, CA 94107

FOR: EDUCATIONAL INSTRUCTIONAL MATE-
RIALS, NAMELY, BOOKS IN THE FIELD OF READ-
ING OR MATH, PRE-RECORDED TAPES, CD ROMS
OR DISCS IN THE FIELD OF READING OR MATH
AND PRINTED LEARNING CARDS SOLD AS A
UNIT, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38
AND 50).

FIRST USE 7-27-2001; IN COMMERCE 7-27-2001.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "PHONICS", APART FROM THE
MARK AS SHOWN.

SER. NO. 76-298,392, FILED 8-10-2001.

SHAUNIA WALLACE, EXAMINING ATTORNEY

Int. Cls.: 16 and 42

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, 50, 100 and 101

United States Patent and Trademark Office

Reg. No. 2,620,893

Registered Sep. 17, 2002

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**



GATEWAY LEARNING CORPORATION (DELAWARE CORPORATION)
665 THIRD STREET, SUITE 225
SAN FRANCISCO, CA 94107

FOR: EDUCATIONAL INSTRUCTIONAL MATERIALS, NAMELY, BOOKS IN THE FIELD OF READING OR MATH, PRINTED LEARNING CARDS, AND PRE-RECORDED TAPES, CD ROMS OR DISCS IN THE FIELD OF READING OR MATH SOLD AS A UNIT, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 7-25-2001; IN COMMERCE 7-25-2001.

FOR: ON LINE SERVICES, NAMELY, PROVIDING INFORMATION, ARTICLES AND STORIES, OVER A GLOBAL COMPUTER NETWORK, ALL IN

THE FIELD OF EDUCATION, TEACHING LEARNING SKILLS AND CURRENT EVENTS; PROMOTING PUBLIC AWARENESS OF EDUCATION THROUGH THE DISSEMINATION OF INFORMATION REGARDING SAME OVER A GLOBAL COMPUTER NETWORK, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 7-25-2001; IN COMMERCE 7-25-2001.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PHONICS", APART FROM THE MARK AS SHOWN.

SER. NO. 76-298,394, FILED 8-10-2001.

SHAUNIA WALLACE, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 2,629,995

Registered Oct. 8, 2002

**TRADEMARK
PRINCIPAL REGISTER**

HOOKED ON SCHOOL SUCCESS

GATEWAY LEARNING CORPORATION (DELA-
WARE CORPORATION)
665 THIRD STREET, SUITE 225
SAN FRANCISCO, CA 94107

FOR: PRE-RECORDED AUDIO TAPES AND CD-
ROMS/DISCS, AND ACCOMPANYING MANUALS
CONTAINING CHILDREN'S STORIES AND
LEARNING TIPS, PLANNING GUIDES, AND IN-
STRUCTION MANUALS, SOLD AS A UNIT, IN THE
FIELD OF EDUCATION AND TEACHING LEARN-
ING SKILLS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND
38).

FIRST USE 7-25-2001; IN COMMERCE 7-25-2001.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "SCHOOL", APART FROM THE
MARK AS SHOWN.

SER. NO. 76-071,959, FILED 6-16-2000.

SOPHIA S. KIM, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 2,674,241

Registered Jan. 14, 2003

**TRADEMARK
PRINCIPAL REGISTER**



GATEWAY LEARNING CORPORATION (DELA-
WARE CORPORATION)
665 THIRD STREET, SUITE 225
SAN FRANCISCO, CA 94107

FOR: EDUCATIONAL INSTRUCTIONAL MATE-
RIALS, NAMELY, PRE-RECORDED TAPES, DISCS
AND/OR CD ROMS AND BOOKS, ALL SOLD AS A
UNIT AND IN THE FIELD OF EDUCATION AND
TEACHING LEARNING SKILLS, IN CLASS 9 (U.S.
CLS. 21, 23, 26, 36 AND 38).

FIRST USE 7-25-2001; IN COMMERCE 7-25-2001.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "SCHOOL", APART FROM THE
MARK AS SHOWN.

SER. NO. 76-298,393, FILED 8-10-2001.

SOPHIA S. KIM, EXAMINING ATTORNEY